

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

Applicant's or agent's file reference REG/G17342WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/GB 03/00832	International filing date (day/month/year) 27.02.2003	Priority date (day/month/year) 05.03.2002
International Patent Classification (IPC) or both national classification and IPC C09D11/10		
Applicant DOTRIX NV et al.		



1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 17.09.2003	Date of completion of this report 19.08.2004
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International application No. **PCT/GB 03/00832**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17):*

Description, Pages

1-11 as originally filed

Claims, Numbers

1-14 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

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**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1,9,14
Inventive step (IS)	Yes: Claims	
	No: Claims	2-5,10
Industrial applicability (IA)	Yes: Claims	1-14
	No: Claims	

2. Citations and explanations

see separate sheet

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Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Claim 1

The present application does not satisfy the criterion set forth in Article 33(2) PCT because, insofar as it can be understood, the subject-matter of claims 1, 9 and 14 is not new in respect of prior art as defined in the regulations (Rule 64(1)-(3) PCT).

The expression "progressive" used in claims 1-9 is vague and indefinite because it creates a state of uncertainty regarding the scope of protection provided by the claims in question : does progressive mean "stepwise" or "modern/up to date"?

The applicant is requested to redraft the claims with a view to rendering the scope of protection clear, Article 6 PCT.

Document D1 = US-A-6145979 (see especially column 2, line 25 to column 4, line 29; fig. 5) discloses a stepwise dot printing ink-jet process comprising the steps of applying a first ink drop to a substrate and subsequently applying a second ink drop on to the first ink drop without intermediate solidification of the first ink drop, wherein the first and second ink drops have a different colour.

In addition, D2 = WO-00/30856 (see especially page 2, line 2 to page 5, line 24) and D3= US-A-2001/0038408 (see especially paragraph [0019]-[0036]; fig. 5) also disclose the features as described above.

D1-D3 do not explicitly disclose a difference in viscosity or surface tension or curing speed, but it is obvious for the skilled person that inks of different colours (see e.g. claim 4) have different chemical and/or physical properties which lead to the above differences. Thus claim 1 lacks novelty (Article 33(2) EPC).

Claims 9 and 14

Claim 9 is directed to a set of ink-jet inks suitable for use in the ink-jet printing process of claim 1, which does not fulfill the requirements of Article 33(2) or Article 33(3) EPC . D1 discloses the use of state-of-the-art curable colour inks obviously differing in viscosity or surface tension or curing speed.

Thus also claim 9 lacks novelty. The same applies to claim 14 in analogy.

Claims 2-5 and 10

The additional features of dependent claims 2-5 and 10 only concern minor modifications, which must be regarded as normal design steps for the person skilled in

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the art. A combination of any of the features of dependent claims 2-5 and 10 with claim 1 or 9 would not appear to add anything inventive (Article 33(3) PCT) and therefore does not seem to form a suitable basis for a new claim.